IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO.4398 OF 2005
IN
CRIMINAL REVISION APPLICATION NO. 30 OF 2005

Rajendra Shrinath Pandey. ... Applicant.
Versus.
The State of Maharashtra. ... Respondent.

Shri Ravi Kiran Dalvi i/by Shri C.K.Talekar for the Applicant.

Ms.M.H.Mhatre, A.P.P. for the State.

Shri N.K.Malvankar for the Respondent No.2.

CORAM : ABHAY S. OKA, J.

DATED : 25th July, 2005.

P.C.:

1. Heard the learned Counsel for the parties. By order dated 28th March 2005 this Court directed that if the Applicant deposits a sum of Rs.1,35,000/- in the Appellate Court within a period of four weeks from that date, the appeal filed by the Applicant will get revived and will be decided in accordance with the law. The time granted by this Court expired on 25th April 2005. However, the Applicant did not deposit the said amount. The present Application is made for extension of time to deposit the sum of Rs.1,35,000/-. It is not in dispute that on 22nd July 2005 a sum of Rs.1,35,000/- has been deposited by the Applicant by way of demand draft.

2. The learned Counsel appearing for the Respondent

No.2 while opposing the this Application submitted that even if this Court is inclined to grant relief in favour of the Applicant, considering the long delay in deposit of the amount, the Applicant be directed to pay costs. The said submission is reasonable and obviously deserves to be accepted.

3. Hence the application is disposed of by passing the following order:

(i) Time granted by this Court by order dated 28th March 2005 in Criminal Revision Application No.30 of 2005 to deposit a sum of Rs.1,35,000/- is extended till 22nd July 2005 subject to condition of the Applicant depositing with the Appellate Court or directly paying to the Respondent No.2 a sum of Rs.7500/- by way of costs of this Application within a period of four weeks from today.

(ii) If the Applicant fails to deposit or pay the amount of costs to the Respondent No.2, the order dated 28th March 2005 will stand and the Appeal which was preferred by the Appellant will stand dismissed.

(iii) If the Applicant deposits or pays the amount of costs within the time fixed by this Court, the Criminal Appeal No.52 of 2004 will stand restored and the same shall be heard by the Appellate Court in accordance with law.

(iv) Liberty to the Respondent No.2 to apply for withdrawal of the sum of Rs.1,35,000/- to the Appellate Court. If such an application is made, the same shall be decided by the Appellate Court in accordance with law.

(v) The Application is disposed of in the above terms.

(vi) The parties and the concerned Court to act on an authenticated copy of this order.

Judge.